

FOR THE NORTHERN DISTRICT OF GEORGIA
IN THE UNITED STATES DISTRICT COURT
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 1:11-CR-547-ODE-ECS
v.	:	
CURTIS WILLIAMS	:	
	:	
UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 1:12-CR-0080-ODE-ECS
v.	:	
CURTIS WILLIAMS	:	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This matter is before the Court on Defendant's motion to consolidate indictments filed in Case No. 1:12-CR-80 at [Doc. 8]. The government responded at the pre-trial conference on April 11, 2012, that it did not oppose consolidation. The undersigned granted the motion orally but now substitutes this report and recommendation for the previous oral order.

A review of the indictments shows that the charges relate to the same acts or transactions: Defendant is charged with substantive offenses of mail fraud and conspiracy to commit mail fraud in Case Number 1:12-CR-80, and with making false statements in relation to the subject matter of the alleged mail fraud in Case Number 1:11-CR-547. Defendant shows that his motion to dismiss for pre-indictment delay filed in Case Number 1:11-CR-80,

which has been set for hearing on May 5, 2012, is equally applicable to Case Number 1:11-CR-547. See Case Number 1:11-CR-547 at [Doc. 8, at 2]; Case Number 1:12-CR-2012 at [Doc. 15].

Upon consideration, it appears that the two cases may be consolidated under Rule 13 of the Federal Rules of Criminal Procedure. Accordingly, the undersigned **RECOMMENDS** that the unopposed motion in Case Number 1:12-CR-80 [Doc. 8], be **GRANTED**, and that the cases be consolidated, subject to later severance as the trial judge may deem appropriate.

SO REPORTED AND RECOMMENDED, this 27th day of April, 2012.

S/ E. Clayton Scofield III
E. CLAYTON SCOFIELD III
UNITED STATES MAGISTRATE JUDGE